

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HIGHWAY MATERIALS, INC.,

Plaintiff,

v.

WHITEMARSH TOWNSHIP, ET AL.,

Defendants.

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CIVIL ACTION

NO. 02-3212

ORDER

AND NOW, this 11th day of December, 2002, upon consideration of the Motion to Dismiss or in the alternative for Summary Judgment filed by Defendants Whitemarsh, the Board of Supervisors of Whitemarsh Township, Ann D. Younglove, Ronald J. Derosa, William P. Rimel, Peter P. Cornog and Michael A. Zeok (Dkt. No. 13) and any responses thereto, it is hereby **ORDERED** that said motion is **DENIED**.

BY THE COURT:

ROBERT F. KELLY, Sr. J.